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[1] MR. HEALEY: Who asked you?

[2] MR. HEALEY: Off the record.

[3] (Whereupon, there was a discussion
[4] off the record.)

[5] Q: Underneath the \$770 for Dr. Small you have
[6] listed medication, the antidepressants for yourself in
[7] the amount of \$450, 9 months' supply?

[8] A: Yes.

[9] Q: Is that medication that you were taking,
[10] that's the Zoloft and the Wellbutrin?

[11] A: Yes.

[12] Q: Why only 9 months do you have down?

[13] A: I believe I took it from the date of the
[14] accident until the end of the year or till — there
[15] must have been a time period that I needed to compile
[16] my receipts. I'm not sure, but it was for, you know
[17] — I believe I started at the date of the accident and
[18]

[19] Q: That's May, '04; 9 months takes us into
[20] the early part of '05.

[21] A: I stopped it April, '05 so maybe that's
[22] why.

[23] Q: You stopped April, '05 not April, '06?

[24] A: No. It must have been mistaken. It must
[25] be April, '05; sorry.

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[1] (Whereupon, there was a
[2] luncheon recess.)

[3] MR. UNGER: Just going back to the
[4] Exhibit 38 for a minute.

[5] MR. HEALEY: Which one is that?

[6] Q: That's the medical expenses. I'll show it
[7] to you in a second. You put down for a 9-month supply
[8] here, okay, but you were taking Wellbutrin at least —
[9] I'll sorry. You switched from Zoloft to Wellbutrin in
[10] March of 2006. You remember that?

[11] A: I got one thing of it, and I only used it
[12] for less than a week, and then I didn't use the rest
[13] of the bottle.

[14] Q: But you were continuously on
[15] antidepressants from April of '04 up until at least
[16] March or April of '06.

[17] A: So I was right with '06.

[18] Q: Is that correct?

[19] A: Yeah, I think I was right with '06.

[20] Q: Okay. So just I'm just a little bit
[21] confused as to why you only put down for 9 months on
[22] your medical expenses form.

[23] A: It must have been that's what I had
[24] receipts, you know, up till a certain date for. I'm
[25] not sure. That may have been all the receipts I have,

[1] because like I said, I cut them in half so maybe that

[2] the 9 months stretched to 18 months or something like
[3] that.

[4] Q: And just to finish up on this, you
[5] indicate that there is a balance owed to Dr. Small in
[6] the amount of \$660?

[7] A: Yes.

[8] Q: Has that been paid since this form was
[9] created?

[10] A: No.

[11] Q: We were talking a little bit about
[12] Michael's meetings with Dr. Small, and you said he
[13] didn't tell you very much about them. Initially on
[14] his first meeting did he tell you what Dr. Small and
[15] he discussed?

[16] A: No.

[17] Q: Did he ever tell you what he and Dr. Small
[18] discussed?

[19] A: One time he mentioned stuff about the boat
[20] accident. Another time he mentioned bringing up his
[21] brother, and that's pretty much all I ever got for
[22] information, you know.

[23] Q: What about his brother?

[24] A: He just mentioned that he talked about him
[25] in one of the sessions.

[1] Q: How did you come to learn of the accident
[2] involving the Ava Claire?

[3] A: That's really weird. I actually called
[4] Michael's cell phone, and when he didn't answer, I hit
[5] the code to hear messages, because he's told me before
[6] that he never checks his messages, and if I get a
[7] chance to check his messages for him — it's all
[8] around secretarial. I listened to the message, and
[9] there was one from a Coast Guard official saying
[10] basically this is officer so-and-so, US Coast Guard,
[11] and the phone number. That was it; no information.
[12] It kind of bothered me. I hung up and I didn't think
[13] anything — well, I thought about it for about 10 or
[14] 15 minutes, and then I said, well, maybe they want to
[15] board him or maybe they are looking for him to board
[16] or to go over some reports or something, so I'll just
[17] let him know that he's out fishing until tomorrow. So
[18] I called back again, listened to the message again
[19] just to get the number, and I called back, and, you
[20] know, I spoke to him, and he was the one who told me.
[21] Basically he said, "We know he's out fishing. We're
[22] wondering if you had an idea where his location was."
[23] He said, "We received an EPIRB signal from him, and
[24] that was pretty much after that I think I froze, you
[25] know. I didn't really move.

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(1) Q: What time of day was this?

(2) A: It was around 1:30, I think, because I had
 (3) been coming home from around 12:52 or something on my
 (4) car, and I was in Niantic coming home, and I was
 (5) stopped at the bridge, and I noticed the fog really,
 (6) really bad, and there was a boat that bridge was
 (7) opened for, and you couldn't even see the mast as it
 (8) went by it was a sailboat. I remember thinking, oh my
 (9) God, it's really foggy, and I had this awful just like
 (10) pit in my stomach, and that's actually why I called
 (11) him when I got home. I didn't have a cell phone at
 (12) the time so I used the house phone, so it wasn't long
 (13) after that, maybe about 1:30, that I called him and
 (14) retrieved the message and called the official.

(15) MR. HEALEY: I think you asked —

(16) Q: 1:30 p.m.?

(17) A: P.m.

(18) Q: What did the Coast Guard official tell
 (19) you?

(20) A: He said that they received an EPIRB
 (21) signal, and they were trying to better pinpoint his
 (22) location. Looking back that kind of surprises me. I
 (23) thought they would have a direct ...

(24) Q: Did you have one or more than one
 (25) conversation with the Coast Guard?

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(1) A: Then he called back when he found them.

(2) Q: What time was that?

(3) A: A good hour to an hour — I'm not really
 (4) sure of the exact time frame. Maybe an hour to 2
 (5) hours after that. He called back to say they had been
 (6) found. They had been rescued by their helicopter, and
 (7) that they were on their way to the air station base in
 (8) Cape Cod, and I just left the house. I still had no
 (9) idea what had happened or why he had been rescued or
 (10) anything.

(11) Q: So you left the house to go to Cape Cod?

(12) A: Yeah. I grabbed clothes. I grabbed
 (13) clothes for — I asked them if all three had survived.
 (14) That was my first question and he said, yes, so I
 (15) grabbed warm clothes for everybody and boots for Mike,
 (16) and then I just drove like hell.

(17) Q: When did you first speak to Michael?

(18) A: At the Coast Guard air station.

(19) Q: What time did you arrive there?

(20) A: It was close to 7. It may have been 7:30.
 (21) I'm not sure. I got lost and I got pulled over so I
 (22) was delayed a bit.

(23) Q: Pulled over because you were speeding?

(24) A: Yeah.

(25) Q: When you saw Michael, did you have a

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(1) conversation?

(2) A: We pretty much just hugged and cried, and
 (3) then I was like, "What happened? Did the boat blowup
 (4) or something?" He said, "No. We were hit." You
 (5) know, I gave Geal and Ben hugs, and none of their
 (6) family came up, you know, and we kind of just all sat
 (7) around and just like — I mean, the air was really
 (8) heavy. They were very shaken, and I wasn't going to
 (9) like grill them with questions, you know. I just —
 (10) whatever they wanted to tell me it was like, wow.

(11) Q: What did they tell you?

(12) A: They said they were hit by a big ship.
 (13) They said that — he told me what side of the boat it
 (14) came through, and obviously he told me he lost Joey,
 (15) which I hadn't thought about Joey.

(16) Q: That's the dog?

(17) A: The dog, yeah. In my rushing I didn't
 (18) even remember that he had brought him, and I felt
 (19) awful at that point, and they just, you know, just
 (20) described what they had been through, to be rescued
 (21) going up in the basket, and they laughed about how
 (22) Geal didn't want to go. The guy said, "Do you want to
 (23) go home or not? You know, you want to stay here?"
 (24) They talked a little bit about finding stuff in the
 (25) water. Mike told me when he found the compass, he

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(1) thought that was a sign he was going to be okay, you
 (2) know, what the helicopter was like. I spoke with both
 (3) the pilots who were really nice guys. It was kind of
 (4) a little bit of a good mood there, because apparently
 (5) they hadn't rescued people or found all surviving
 (6) people very often or in a while from these calls, so
 (7) they were waiting for a hot meal, and they had already
 (8) given them clothes. Then they had to take statements
 (9) from them, so I just waited outside the rooms, and
 (10) they told us we had to go for the drug and alcohol
 (11) testing, the urine tests. So after we left we went
 (12) straight to New Bedford Hospital.

(13) Q: Before you left after you first
 (14) communicated with the Coast Guard, did you contact Ben
 (15) or Geal's family to let them know?

(16) A: No. I tried to call Geal's parents, and
 (17) the line was busy, and then I didn't have a cell
 (18) phone, so once I left, I couldn't, and Ben, I remember
 (19) thinking I know nothing about Ben. I don't know who
 (20) to call. I don't know if he has a girlfriend or a
 (21) wife. I don't know. I remember thinking I guess I'll
 (22) just bring them home and ... There's nothing more I
 (23) can do.

(24) Q: You were not present when the Coast Guard
 (25) personnel interviewed any of the three?

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[1] A: No.
[2] Q: After the interviews did any of the three
[3] talk to you about what had been discussed with the
[4] Coast Guard?
[5] A: No. They just said they wrote out what
[6] had happened, and just left it at that.
[7] Q: Anybody talk about the incident further
[8] after you left the Coast Guard station until you got
[9] home?
[10] A: Yeah. I think they talked about it, you
[11] know. I don't remember exactly what was said; just
[12] what they had been through and ...
[13] Q: The drug and alcohol testing was done at
[14] New Bedford Hospital. That's the \$150 that you're
[15] claiming on Exhibit 38?
[16] A: Yes.
[17] Q: What time did you arrive home?
[18] A: It was after midnight. I think it was
[19] maybe 1 a.m.
[20] Q: What did you do when you got home?
[21] A: We went straight down to Mike's dad,
[22] because I had briefly told him that the Coast Guard
[23] had rescued him at sea, and I was leaving to go get
[24] him. He was literally — he was on the toilet when I
[25] told him. I flew in, I burst into his apartment,

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[1] and —
[2] MR. HEALEY: Drop that detail.
[3] A: Sorry. It was urgent so he didn't get
[4] much information, and I think he had talked to Mike on
[5] his cell phone, so he actually knew more than I did
[6] when I arrived on Cape Cod. He had already spoken to
[7] him, and he had heard what had happened, but we went
[8] straight downstairs, and hung out with him for about
[9] an hour, you know. His dad wanted to hear about it,
[10] and give us sympathy, and, you know, give him hugs and
[11] stuff.
[12] Q: Did Mike discuss with his dad the details
[13] of what had happened in terms of the accident?
[14] A: Yeah, the same way he had with me, you
[15] know, about the ship, and about sitting in the life
[16] raft and being rescued.
[17] Q: And after that?
[18] A: Went to bed and slept until noon or so the
[19] next day.
[20] Q: Did you have any further discussions the
[21] next day with Mike in terms of how the accident
[22] happened?
[23] A: Probably. I mean, I think it was pretty
[24] much all we talked about for several weeks. He had —
[25] sorry.

[1] Q: Did you discuss within the following
[2] couple of days what to do about the boat and financial
[3] situation?
[4] A: No. I think we called the insurance
[5] company, informed them, but it wasn't time yet to talk
[6] about what to do, you know. He actually had his first
[7] cry about the dog, you know, like 3 days later and
[8] that was hard. We actually had Geal and his
[9] girlfriend over for dinner that week, you know, and
[10] just tried to, you know, get through it, support each
[11] other through it.
[12] Q: Did Mike, to your knowledge, discuss the
[13] details of how the accident happened with anyone else
[14] besides yourself, his father and of course Ben and
[15] Geal?
[16] A: My parents and his mom, his brother, you
[17] know, the closest family members, and then there was
[18] newspaper reporters that came, so it pretty much got
[19] out from there.
[20] Q: How did the newspaper come to contact you
[21] or did you contact them?
[22] A: No. They contacted us and the television
[23] and it was — it was very fast, like 2 days later. It
[24] was Saturday.
[25] Q: Did you and Mike save copies of the

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[1] newspaper clippings?
[2] A: Yes.
[3] Q: Have you given copies to Mr. Healey?
[4] A: Yes.
[5] Q: Did you get a copy of the TV interview?
[6] A: No. I missed it. We never even saw it.
[7] Q: Was Mike having discussions with anybody
[8] else within the month or so following the accident
[9] that you haven't told us about already?
[10] A: Not that I know. I think some fishermen
[11] heard the distress calls, and, you know, it got pretty
[12] big around the docks, but I don't think he went into a
[13] lot of detail with, you know, people that weren't
[14] close to him.
[15] Q: What channel was the TV interview?
[16] A: It was like three. I had to leave,
[17] because my Godfather passed away. It was his funeral,
[18] and then that night we had to go to my
[19] brother-in-law's graduation, so it was a crazy day,
[20] and I think Channel 8 and Channel 3, but I'm not sure
[21] about that, I know Channel 8.
[22] Q: What did Mike do?
[23] MR. HEALEY: I thought you were
[24] going to say what did Mike wear for the TV show. I
[25] was like wait a minute; go ahead.

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[1] Q: How did Mike occupy himself during the
[2] first month after the incident when he was not having
[3] TV interviews and speaking —

[4] A: Local celebrity.

[5] Q: — with the press and family members,
[6] etc?

[7] A: He started fishing the dragger, the
[8] inshore boat in the bay, because that usually picks up
[9] at the end of May, beginning of June, and the same way
[10] Mike always occupies himself; various parts that need
[11] welding and lots of hard work, mending nets and
[12] fibreglassing holes and that kind of thing.

[13] Q: So he was doing maintenance and repairs on
[14] his other boat and the fishing equipment?

[15] A: He keeps himself busy, yeah. He's not an
[16] idle guy.

[17] Q: Where does he keep that other boat?

[18] A: In Niantic right down the road.

[19] Q: When did he start with the dragger?

[20] A: He was 16.

[21] Q: I'm sorry, following the accident.

[22] A: Oh. If I were to guess, I would say by —

[23] MR. HEALEY: Don't guess. If you
[24] can estimate, that's okay.

[25] A: Estimate?

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[1] Q: Yeah.

[2] A: Within a month; within 3 weeks.

[3] Q: He was fishing for what?

[4] A: Fluke and flounder, skate.

[5] Q: By himself or with somebody else?

[6] A: By himself.

[7] Q: And when he went back to fishing, was he
[8] doing it on a daily basis?

[9] A: Yes, weather permitting.

[10] Q: And that's inshore Long Island Sound area?

[11] A: Right here you can see it.

[12] Q: In the bay?

[13] A: I can stand on the side of the road and
[14] see it.

[15] Q: Niantic Bay?

[16] A: Yes, Niantic Bay; not The Sound.

[17] Q: Was he doing well catching —

[18] A: I don't remember.

[19] Q: Did Dr. Small ever give Mike any kind of
[20] papers or anything other than maybe a bill?

[21] A: No.

[22] Q: Do you know if Mike ever underwent any
[23] kind of tests with Dr. Small or anybody else?

[24] A: I don't believe so. She's a social
[25] worker, Master's of social work. She is not a

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[1] psychiatrist.

[2] Q: Why did Mike stop seeing Dr. Small?

[3] MR. HEALEY: If you know.

[4] A: Financially it was getting difficult, and
[5] he was more involved with fishing, and I don't know
[6] after that.

[7] Q: Well, he saw Dr. Small starting on July 8,
[8] according to your medical expense sheet, and he
[9] continued up until the end of December of 2004. By
[10] that time he had bought the new boat?

[11] A: Well, every January he fishes out of Point
[12] Pleasant, New Jersey so he probably was out of town.

[13] MR. HEALEY: What was the question?

[14] A: I'm sorry, what was the question?

[15] MR. HEALEY: I think by that time
[16] did he buy the new boat?

[17] A: Buy the new boat, yes.

[18] Q: And was he fishing with the new boat out
[19] of Point Pleasant?

[20] A: Yes.

[21] Q: What's he fish for in January?

[22] A: Monkfish.

[23] Q: Did you have any discussions with Mike
[24] about going back to see Dr. Small at any time after
[25] December of 2004?

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[1] A: Yes.

[2] Q: When did you first discuss that?

[3] A: I don't know when, but I know it had came
[4] up many times that maybe he should go back.

[5] Q: Did you have those discussions in 2005?

[6] A: Yes.

[7] Q: 2006?

[8] A: Yes.

[9] Q: Have you suggested recently that Mike
[10] should go back to Dr. Small?

[11] A: No, because Dr. Aron agreed to see him
[12] separately, and was encouraging him to see him
[13] separately, and we thought that sounded great till we
[14] realized how expensive it was, and I think he felt
[15] more comfortable with Dr. Aron after having been to
[16] somebody different.

[17] Q: What does Dr. Aron charge?

[18] A: He charges \$150 for both, when we both go
[19] per session.

[20] Q: For a single person?

[21] A: \$80.

[22] Q: Has Mike seen Dr. Aron separately?

[23] A: No.

[24] Q: Is there an intention that he has to see
[25] Dr. Aron?

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[1] A: Yes.
 [2] Q: And he's told you that?
 [3] A: Yes.
 [4] Q: Does he have an appointment to see Dr.
 [5] Aron?
 [6] A: No.
 [7] Q: When you and Mike met with Dr. Aron, did
 [8] you discuss the accident?
 [9] A: We mentioned that he had been in one, and
 [10] that it was an ongoing thing in our lives, but not in
 [11] any kind of detail.
 [12] Q: Did Mike ever discuss with you having
 [13] nightmares or dreams following the accident?
 [14] A: Usually I had to tell him he had a
 [15] nightmare or a dream. He is a very deep sleeper, and
 [16] he wouldn't always remember, but I would tell him what
 [17] he said last night in his sleep.
 [18] Q: He wouldn't wake up typically?
 [19] A: Not normally. He probably would say, hmm,
 [20] I didn't know about though so — he didn't mention
 [21] them all that much, and lots of times he said he
 [22] didn't remember.
 [23] Q: He talks in his sleep?
 [24] A: Uh-huh.
 [25] Q: Snores, too, right?

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[1] A: Yeah, and he hugs the bed.
 [2] Q: When you could tell he was having a
 [3] nightmare or a dream, what types of things do you
 [4] remember him saying while he was asleep?
 [5] A: I remember him shouting out boat terms
 [6] like shouting out "grab the line" and, you know, he
 [7] just says a lot — giving orders. It's a different
 [8] tone than what I'm used to. "Did you check the
 [9] bilge?" You know, I mean, just like where he just
 [10] says something like, "No, no, no, no, no, no" and
 [11] rolls over, you know, just agitated and tossing and
 [12] sometimes speaking sharply, you know, but it's almost
 [13] always giving directions to somebody specifically.
 [14] Other than that I can't ...
 [15] Q: Take the month following the accident.
 [16] How often do you recall him having been talking in his
 [17] sleep?
 [18] A: Probably almost every night.
 [19] Q: Before the accident did Mike talk in his
 [20] sleep?
 [21] A: Yes. I don't think this is something you
 [22] start doing.
 [23] Q: Did he ever say anything to get him into
 [24] trouble?
 [25] A: No, no. Usually I couldn't understand

[1] him. He would mumble and mutter.
 [2] Q: From say the end of the first month to say
 [3] up to 6 months after the accident did you continue to
 [4] observe Mike to talk in his sleep?
 [5] A: Yes.
 [6] Q: Was it with the same frequency or had it
 [7] changed in any way?
 [8] A: I think it decreased a little by then. I
 [9] remember he started remembering more, talked about it
 [10] more. It seemed when he talked about it more, it was
 [11] a little less.
 [12] Q: When you say he talked about it a little
 [13] more, what do you mean?
 [14] A: Like the next morning he could actually
 [15] tell me more about his dream or about something he
 [16] had. He had one about a fire and another about the
 [17] kids, running them over with his truck, and it started
 [18] to be more about big catastrophes, you know, than I
 [19] think what he had at first. He said it was more about
 [20] the accident at first.
 [21] Q: Did these dreams involve him ever dying?
 [22] A: No, and I pointed that out to him. I
 [23] remember saying that it's always happening to people
 [24] you love, and I asked him was he ever afraid that he
 [25] was dying, and he said his only thought was that his

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[1] girls were going to grow up without a dad. He's never
 [2] had that fear for himself. It's really an odd
 [3] quality. It's really — it's interesting to me.
 [4] Q: What other types of incidents did Mike
 [5] tell you he dreamt about besides fires and running
 [6] over the children?
 [7] A: Really out there. There's weird ones;
 [8] Chinese torture. I don't know where that came from,
 [9] some form of Chinese torture where you drop a drop of
 [10] water on someone's forehead over a period of time. I
 [11] remember being like sick to my stomach for a couple
 [12] days after that; a lot with the girls being unsafe,
 [13] and I remember having to reassure him about me
 [14] watching them and that kind of thing, and he called
 [15] out Geal's name a lot, so I know a lot of it was
 [16] someone else running his boat when he's not on watch,
 [17] so it was things like that.
 [18] Q: Anything else you can remember?
 [19] A: He did have a thing with fire. That kind
 [20] of was reoccurring. That's about all I can remember.
 [21] Q: Following the first 6 months after the
 [22] accident did the number of occasions where Mike would
 [23] talk in his sleep or tell you about his dreams, did
 [24] that change in any way?
 [25] A: I think it lessened with time, but I'm not

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(1) — then he tells in his deposition that he still has
 (2) them more often than what I hear him talking in his
 (3) sleep so I can't speak for him, I guess.

(4) **Q:** Does Mike still tell you about his dreams?

(5) **A:** Yes, sometimes.

(6) **Q:** How frequently does he tell you that he
 (7) has one of these bad dreams presently?

(8) **A:** Presently? Maybe three times a month or
 (9) so.

(10) **Q:** Same types of incidents?

(11) **A:** He actually had a lot after he was
 (12) arrested, and he told me about them a lot.

(13) **Q:** What types of incidents?

(14) **A:** In the dreams?

(15) **Q:** In the dreams, yes.

(16) **A:** The jail cell and getting into an argument
 (17) with me, and it getting out of hand and getting
 (18) arrested again, my father coming after him and that
 (19) kind of thing. I think just being just — just
 (20) arguing with me was a big thing.

(21) **Q:** Has Mike's sleep patterns changed since
 (22) the time of the accident?

(23) **A:** Yes. He definitely requires a lot more
 (24) sleep. He seems to fall asleep on the couch a lot
 (25) more. Especially that year I remember him being,

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(1) needing a lot more sleep than usual, and seemingly not
 (2) have the energy. Before 8 o'clock at night he would
 (3) be asleep. Depending on if he's fishing, it's
 (4) understandable, but it was on more like the days
 (5) in-between, and just in general definitely more sleep
 (6) than ever.

(7) **Q:** On the days when Mike is not fishing he's
 (8) usually tending to his equipment or his boats or
 (9) something along those lines?

(10) **A:** Yeah, or the house.

(11) **Q:** Is he out fishing now?

(12) **A:** No; he's downstairs.

(13) **Q:** Oh.

(14) **MR. HEALEY:** He's the baby-sitter.

(15) **A:** In this weather? Have you been out there?

(16) **Q:** Would Mike wake up in the middle of the
 (17) night prior to the accident?

(18) **A:** No.

(19) **Q:** How about after the accident?

(20) **A:** He's a very deep sleeper; almost never.

(21) **Q:** What kind of activities does Mike engage
 (22) in outside of work?

(23) **A:** That's a tough one. Wow. We like to go
 (24) out to eat. He likes to take hikes with the dog and
 (25) playing with the kids; sometimes just hanging out on

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(1) other people's boats, you know, talking with them,
 (2) getting together with family for dinners, that kind of
 (3) thing. He doesn't really have hobbies. He plays
 (4) basketball sometimes.

(5) **Q:** Not in a league or anything; just pick up?

(6) **A:** In the driveway by himself.

(7) **Q:** Aside from hikes, do you guys do things
 (8) together as a family?

(9) **A:** Yeah, we do a lot of stuff together as a
 (10) family.

(11) **Q:** What types of things?

(12) **A:** The kids tend to follow him taking care of
 (13) things in the garage or we have a couple of animals,
 (14) and he goes around to feed and/or just playing, taking
 (15) them to the park. We go canoeing in the summertime.
 (16) We do a lot. In the summertime we try to get a few
 (17) pleasure, you know, trips in and go clamming, and that
 (18) kind of thing with the kids.

(19) **Q:** You ever take the kids on the boat with
 (20) you?

(21) **A:** Yeah, a lot; since they were
 (22) one-month-old. We have child seats on the backs of
 (23) our bikes. We go bike riding sometimes.

(24) **Q:** Aside from having these bad dreams and
 (25) nightmares that Mike's told you about, has he also

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(1) talked to you about having thoughts of bad things
 (2) happening during the day?

(3) **A:** Yes, yeah, he's mentioned that.

(4) **Q:** What types of things did he talk to you
 (5) about?

(6) **A:** Well, it's like that catastrophe thing
 (7) he's big on, the big fires and explosions, and bad
 (8) things happening to the girls. He doesn't go into a
 (9) lot of details; whatever he's comfortable talking
 (10) about. Basically it's running somebody over or any
 (11) kind of bad thing I guess is kind of on his mind a
 (12) lot.

(13) **Q:** Do you have any idea what triggers Mike to
 (14) have these bad thoughts?

(15) **A:** No, because I didn't realize he was having
 (16) them as often as I think he is or he doesn't talk
 (17) about them as often as he is.

(18) **Q:** How often does he tell you that he has
 (19) these bad thoughts?

(20) **A:** Right now or since —

(21) **Q:** Presently.

(22) **A:** A couple times a month he'll mention
 (23) something that is bothering him, he had been thinking
 (24) about. It used to be a lot more.

(25) **Q:** It was more frequent following the

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[1] accident?
 [2] A: Uh-huh.
 [3] Q: When did Mike first discuss having these
 [4] bad thoughts with you?
 [5] A: Pretty much right away. I think that
 [6] first night and day that he slept I think he woke up,
 [7] and said he had dreamt about it all, you know.
 [8] Q: But bad thoughts during the day.
 [9] A: Oh, during the day or just thinking? I
 [10] think that came out after he had been seeing Dr.
 [11] Small. I think he mentioned that to me.
 [12] Q: By way of education, do you have any
 [13] training in mental health or psychology or anything
 [14] along those lines?
 [15] A: No.
 [16] Q: Were you ever told by Mike or anyone else
 [17] that Dr. Small had suggested that he suffers from
 [18] posttraumatic stress disorder?
 [19] A: Yes.
 [20] Q: When were you told that?
 [21] A: I don't know.
 [22] Q: Have you done anything to educate yourself
 [23] as to what posttraumatic stress disorder is?
 [24] A: No, not really.
 [25] Q: Or what causes it or what types of

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[1] treatments can help someone with PTSD?
 [2] A: Only from what I received as support from
 [3] other people, you know, I found that out. Other
 [4] people have helpful suggestions and mentioned — as
 [5] far as the posttraumatic stress, his father suffered
 [6] from that from Vietnam, and had some good input also.
 [7] I think he talks with his father a lot more about it.
 [8] Q: What types of things have you been told
 [9] you should do to try and help Mike?
 [10] A: Not press until he's ready to talk about
 [11] it, and not treat his concerns like belittle them no
 [12] matter how small or weird they seem; try to address to
 [13] help him feel comfortable and safe. You know, I think
 [14] helping him to open up and feel comfortable talking
 [15] about it or helping him find someone he is comfortable
 [16] talking to.
 [17] Q: Anything else?
 [18] A: That's all I can think of right now.
 [19] Q: Okay. You were pregnant on the date of
 [20] the accident, correct?
 [21] A: Yes.
 [22] Q: Did you have any complications following
 [23] the accident with your pregnancy?
 [24] A: No.
 [25] Q: Any complications with the birth or post

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[1] birth?
 [2] A: No.
 [3] Q: Had Mike had any prior accidents that you
 [4] are aware of?
 [5] A: Yes. He had been in a really serious car
 [6] accident as a teenager, 17 or 18, where he actually
 [7] had amnesia for a period and there was also — he
 [8] wasn't in an accident, but there was a boat accident
 [9] that his best friend died on, two of his friends died
 [10] on that he was supposed to be on, and he talked about
 [11] that. I call him nine lives, because he's actually
 [12] had a lot of near misses. I don't know why. We were
 [13] in a bad car accident together.
 [14] Q: Is that the one where you were driving on
 [15] the ice?
 [16] A: Yeah, yeah, and he wasn't buckled and he
 [17] survived that so ... He's been in a few accidents,
 [18] some stupid teenage things he's done and survived.
 [19] MR. HEALEY: I think you've covered
 [20] it all.
 [21] Q: I'm striking a lot of the questions.
 [22] Since the accident has Mike taken any kind of formal
 [23] training in terms of boating safety or the rules of
 [24] the road or radar or anything along those lines in
 [25] connection with the boating?

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[1] A: The Coast Guard gave him a DVD to watch,
 [2] and to have his crew watch, especially new crew every
 [3] time on I believe it's safety and emergency procedures
 [4] and that kind of thing. They made sure he left with
 [5] it when we left the Coast Guard; other than that, no.
 [6] Q: Did Mike ever talk with you about going
 [7] back to the area where the accident happened when they
 [8] went to retrieve the nets?
 [9] A: Yes.
 [10] Q: What did he tell you about that?
 [11] A: It was extremely difficult. He was
 [12] sticking his head out the window most of the time,
 [13] because he wouldn't trust the radar and couldn't eat,
 [14] couldn't sleep, and they pulled his nets in that had
 [15] been left there, and then he said that he felt Joey's
 [16] presence, and he kind of said a little good-bye to
 [17] him. He kind of stepped to the back of the boat, and
 [18] took a moment to say good-bye, and basically said, you
 [19] know, that he's taking the summer off for sure after
 [20] that.
 [21] Q: And did he say anything else?
 [22] A: Not that I can remember.
 [23] Q: Did he talk about also the trip he took
 [24] about a year later to go and try to retrieve the one
 [25] net from the bottom and the other debris?

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[1] A: Yes.

[2] Q: What did he —

[3] A: Although I don't believe he went to go
 [4] retrieve the net. I think they happened to pass by
 [5] the wreck as he was coming in from a trip. He saw it
 [6] on his bottom finder, and thought that was the spot,
 [7] and they grappled and pulled up part of the net and
 [8] some — that was really weird, because it was the
 [9] first time Geal had been fishing with him since the
 [10] accident. It was really weird, but it was really kind
 [11] of neat too actually. It was like finding an old
 [12] sweatshirt or something you love. I mean, it was
 [13] like, "Wow, there's the air horn you used, and look.
 [14] This is the part of the boat." I actually recognized
 [15] the fiberglass, and what part of the boat it was from.
 [16] He pointed it out. He found a couple of old rods or
 [17] maybe I think it was one rod, and he just thought the
 [18] whole thing was kind of ironic. It was one of those
 [19] like weird ironic things that you talk about, you
 [20] know, especially being so close to the anniversary.

[21] Q: Did he say anything else about that
 [22] incident?

[23] A: That Megan was there, and he had to show
 [24] the pieces to the Coast Guard.

[25] Q: Who is Megan?

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[1] A: Megan was the observer. The National
 [2] Marine Fisheries observer was there, and I can't
 [3] remember him saying much more about it other than what
 [4] he found, and he wrote down the numbers of where he
 [5] was, so it's kind of like the boat's grave site.

[6] Q: Have you ever been a plaintiff in a
 [7] lawsuit before?

[8] A: No. Well, I'm sorry, except does a
 [9] divorce count?

[10] Q: Other than the divorce.

[11] A: No.

[12] Q: Did you know Ben Schober was an alcoholic
 [13] before the accident?

[14] A: No.

[15] Q: Did you know — did Mike ever tell you
 [16] that Ben had brought beer on board?

[17] A: No.

[18] Q: Is Mike fishing now on his permit or is he
 [19] still fishing for the boat in Shinnecock?

[20] A: The other boat in Shinnecock.

[21] Q: How does he get to Shinnecock?

[22] A: Well, he has the boat right here now in
 [23] Niantic, and he's going in and out from here now.

[24] Q: That's a hell of a commute.

[25] A: He just came back from Gloucester. He's

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[1] taking the boat where it needs to go. It doesn't have
 [2] to go out of Shinnecock; just where the owner lives.

[3] Q: But he gets his days back in May?

[4] A: Yes.

[5] Q: And then he'll fish on his own permit?

[6] A: Yes.

[7] Q: Is Geal still fishing with Mike?

[8] A: Actually, he did in Gloucester a couple
 [9] trips randomly; not on a regular basis.

[10] Q: Mike ever tell you he has any kind of
 [11] guilt about the accident?

[12] A: Yes, he mentioned that.

[13] Q: When did he do that?

[14] A: I think within the first short time period
 [15] immediately after, and I think most everyone,
 [16] including myself, tried to reassure him, you know, not
 [17] to feel guilty.

[18] Q: Did Mike say that anybody had blamed him
 [19] for the accident?

[20] A: I think there was a letter to the editor
 [21] after the article that was printed blaming him or
 [22] something like that, and that got him upset, but it
 [23] passed.

[24] Q: When did you get the new dog?

[25] A: 2 weeks after Mattie was born so that

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[1] would be August 15 or so, 20th.

[2] Q: Does Mike ever avoid fishing now?

[3] A: Oh yes, definitely.

[4] Q: How? What are the circumstances?

[5] A: He gets very indecisive with the weather,
 [6] and kind of obsessive over listening to the weather.
 [7] It has become kind of a little joke between us,
 [8] because I said to him the other day, I said I could
 [9] hear the wind chimes outside, and tell you about it
 [10] than that computer. He constantly has to check and
 [11] he'll plan it, get his crew ready, and then he won't
 [12] go, and then he'll kick himself for not going, because
 [13] it could have been a good day. He just procrastinates
 [14] and he's very indecisive, seems very unsure.

[15] Q: Was he making — in 2005 he used up his
 [16] full allotment of days —

[17] A: Yes.

[18] Q: — under his permit, and he worked for
 [19] somebody else as well, correct?

[20] A: He did one or two trips with someone else,
 [21] yes; not on a regular basis.

[22] Q: And in 2006 he used his full allotment of
 [23] days, correct?

[24] A: Yes.

[25] Q: Then he worked for someone else again?

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[1] A: Yes.
[2] Q: On a consistent basis this time, right?
[3] A: Well, actually for 2006 he ended up doing
[4] three different fisheries he had never done before to
[5] get by, because the days had been, you know, cut
[6] and —
[7] Q: The days on the permit?
[8] A: Yeah, had been cut this year, last year,
[9] and so he still tried to work for himself as much as
[10] he could even if it was to do different fisheries he
[11] hadn't done before.
[12] Q: Different fisheries meaning different
[13] types of species?
[14] A: Yes, yeah.
[15] Q: Mike's intention is to keep fishing?
[16] A: I think Mike's intention is to keep
[17] fishing in the bay, and as a family and as recreation.
[18] I think Mike's hope is to not have to fish offshore
[19] ever again. I think he's doing it because he still
[20] has to, and as soon as he won't have to anymore, he
[21] won't.
[22] Q: Is it possible to make the same amount of
[23] money fishing in the bay as fishing offshore?
[24] A: No way.
[25] Q: I think you had one question, Alan, while

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[1] I check my notes here?
[2] MR. WEIGEL: I want to clarify
[3] something.
[4] MR. HEALEY: Remember, one question.
[5] This better be a honey.
[6] RE-DIRECT EXAMINATION
[7] BY MR. WEIGEL:
[8] Q: Well, take a look at Exhibit 34. Now, the
[9] second page of Exhibit 34 there's two separate
[10] licenses. One is the commercial fin fish license, and
[11] one is the commercial fishing license?
[12] A: Yes.
[13] Q: Do you know what the differences are
[14] between those two?
[15] A: I have no idea.
[16] Q: Well, the reason I ask is because if you
[17] look at Exhibit 36, when you go to the third page
[18] where you can actually see the header on Exhibit 36,
[19] you see this is for plate 4891, and that's only one of
[20] the two Connecticut fishing licenses that we've been
[21] provided. In other words, what we have here is for
[22] the license on the bottom of page 2 of Exhibit 34 —
[23] A: I know the 4891 is the inshore dragger
[24] that he has. That's the plate number. This may be
[25] him personally.

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[1] MR. HEALEY: Do you know?
[2] A: But I don't know for sure.
[3] MR. HEALEY: I mean, it doesn't help
[4] anybody to speculate.
[5] Q: Well, when you went to — when you went to
[6] the Connecticut Department of Environmental Protection
[7] to get these fishing statistics, did you just ask them
[8] for the statistics on 4891 or did you ask them for the
[9] statistics on boat licenses?
[10] A: No. I asked them for the statistics on
[11] the fishing vessel, Phyllis Anne. I don't believe I
[12] provided a plate number, but you would have to ask
[13] Michael, because there's a reason why there's another
[14] license.
[15] Q: You said you asked for the Phyllis Anne
[16] statistics, but this is more than just the Phyllis
[17] Anne's catches landed, correct, meaning this, meaning
[18] Exhibit 36.
[19] A: Oh, I did ask for the Phyllis Anne and the
[20] Madelyn Ruth. I may have asked all landings for
[21] Michael Stepski. I would have to look at the fax that
[22] I sent them, see what I requested, and you already
[23] asked for that so ...
[24] Q: That's why we want to see it to figure out
[25] what this represents. And just so — I don't know if

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[1] I asked it or —
[2] MR. HEALEY: I'm sure you did,
[3] whatever it is.
[4] MR. WEIGEL: No, this is to you.
[5] MR. HEALEY: Oh.
[6] MR. WEIGEL: We were asking for
[7] invoices. Just to be clear, we want all the
[8] monkfishing invoices, but also for the period of time
[9] that Mike Stepski fished inshore in 2004 from between
[10] the time of the accident until he started fishing
[11] offshore on the new boat in November so that would be
[12] 7 months.
[13] MR. HEALEY: What are we looking
[14] for? The period you want is inshore fishing?
[15] MR. WEIGEL: Right.
[16] MR. HEALEY: This kind of stuff?
[17] MR. WEIGEL: No, no; the actual
[18] invoices.
[19] MR. HEALEY: Oh, oh, okay.
[20] MR. WEIGEL: From the first one is
[21] July 13, 2004 through November 5, 2004, and that's
[22] apparently all the inshore stuff, and then all of the
[23] monkfishing for the rest of 2004, 2005 and 2006.
[24] Inshore stuff and for later years I won't ask for
[25] right now. If it looks like it becomes relevant later

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[1] as we go through this, I'll ask for it, but for right
 [2] now I don't want it, okay?

[3] **MR. HEALEY:** All right. Anything
 [4] else, Mike?

RE-CROSS-EXAMINATION

BY MR. UNGER:

[7] **Q:** You have never been a patient of Dr.
 [8] Small?

[9] **A:** No, I've never met her.

[10] **Q:** Never spoken to her?

[11] **A:** I've spoken to her, but never met her.

[12] **Q:** Okay. When did you speak to her?

[13] **A:** I made a few appointments for him just
 [14] briefly over the phone within that time period that he
 [15] was seeing her.

[16] **Q:** Okay. You ever talk about the accident
 [17] with her?

[18] **A:** No.

[19] **Q:** You ever talk about Michael with her at
 [20] all?

[21] **A:** Well, I remember mentioning something
 [22] about how he was doing, because she asked me how he
 [23] was doing or she asked me a specific question, but I
 [24] would never ask her for — I know about
 [25] confidentiality and all that.

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[1] **Q:** That's all I have. Thank you very much.
 [2] (Whereupon, this deposition was
 [3] concluded at 2:49.)

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[1] I, KIRSTEN STEPSKI, have read the
 [2] foregoing transcript of the testimony given at my
 [3] deposition on April 12, 2007, and it is true and
 [4] accurate to the best of my knowledge and belief as
 [5] originally transcribed and/or with the changes as
 [6] noted on the attached Correction Sheet.

KIRSTEN STEPSKI

[8] **SUBSCRIBED AND SWORN TO BEFORE ME,**
 [9] the undersigned authority, on this
 [10] the day of , 2007.

[14] My commission expires:

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CERTIFICATE

[3] I hereby certify that I am a Notary Public, in
 [4] and for the State of Connecticut, duly commissioned
 [5] and qualified to administer oaths.
 [6] I further certify that the deponent named in
 [7] the foregoing deposition was by me duly sworn and
 [8] thereupon testified as appears in the foregoing
 [9] deposition; that said deposition was taken by me
 [10] stenographically in the presence of counsel and
 [11] reduced to print under my direction, and the foregoing
 [12] is a true and accurate transcript of the testimony.

[13] I further certify that I am neither of counsel
 [14] nor related to either of the parties to said suit, nor
 [15] am I interested in the outcome of said cause.

[16] Witness my hand and seal as Notary Public
 [17] this ___ day of _____, 2007.

NOTARY PUBLIC
JACQUELINE MCCAULEY

[23] My Commission Expires:

[24] MAY/2010

Lawyer's Notes

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Lawyer's Notes
